

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TAMARA LEWIS,

Plaintiff,

v.

GREGORY FISHER, D.D.S., and  
KATHLEEN ANN STOCKMAN, husband  
and wife, and GREGORY R. FISHER, DDS  
EMPLOYEE BENEFIT AND WELFARE  
PLAN,

Defendants,

GREGORY FISHER, D.D.S., and  
KATHLEEN ANN STOCKMAN, husband  
and wife, and GREGORY R. FISHER, DDS  
EMPLOYEE BENEFIT AND WELFARE  
PLAN,

Cross Claimant,

v.

REGENCE BLUESHIELD, a Washington  
non-profit corporation

Defendant.

Case No. C06-5352RJB

ORDER

This matter comes before the Court on Plaintiff's Motion for Appointment of CR 39.1 Mediator.  
Dkt. 68. The Court has considered the documents filed regarding this motion and the file herein.

On July 17, 2007, Plaintiff filed the instant motion for appointment of a Local Federal Civil Rule

39.1 Mediator. Plaintiff has attached the declaration of Kathleen E. Pierce who indicates that parties are unable to agree a mediator. Dkt. 69. She states that Plaintiff cannot afford to appoint a mediator. *Id.*

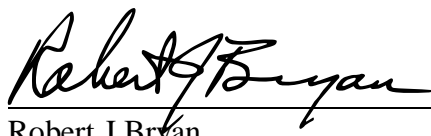
Pursuant to Local Fed. R. Civ. P. 39.1(c)(3) the Court appoints **Perrin Walker** as mediator in this matter. Mr. Walker's phone number is: 253-383-3791. His address is: 1201 Pacific Avenue, Tacoma, Washington, 98401.

Presently pending before the Court is Plaintiff's Motion for Partial Summary Judgment against Defendants Fisher and the Plan, and Defendants Fisher and the Plan's Cross Motion for Summary Judgment against Plaintiff, both noted for consideration for July 26, 2007. Dkts. 47 and 49. Defendants Fisher and the Plan also have a cross claim against Regence Blueshield that is still pending. Dkt. 71. A decision on the summary judgment motion should be issued on or before August 16, 2007. Trial is scheduled to begin on September 4, 2007. Dkt. 11. Pursuant to Local Fed. R. Civ. P. 39.1 all parties are expected to attend the mediation. Parties may wish to schedule the mediation after the decision on the Motions for Summary Judgment have been decided. In any event, the 39.1 settlement report due date is reset for August 24, 2007. All other deadlines remain.

Therefore, it is hereby **ORDERED** that:

- (1) Plaintiff's Motion for Appointment of CR 39.1 Mediator (Dkt. 68) is **GRANTED**; Mr. Perrin Walker is appointed mediator in this matter;
- (2) The Local Fed. Civ. R. 39.1 Settlement Report due date is **RESET** for August 24, 2007; and
- (3) The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

DATED this 27th day of July, 2007.

  
Robert J Bryan  
United States District Judge

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